

# Law of the Republic of Tajikistan

## ON RESISTANCE TO TERRORISM

By the decision of the Majlisi namanadyat  
The Supreme Assembly of the Republic of Tajikistan  
from June 23, 2021, No. 455  
was accepted

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This law defines the main principles of resistance to terrorism, the legal and organizational foundations of terrorism prevention and combating it, the ways and methods of eliminating the consequences of terrorist acts in order to ensure the safety of individuals, society and the state, protection of sovereignty, territorial integrity and security of the Republic of Tajikistan.

### CHAPTER 1. GENERAL PROVISIONS

#### Article 1. Basic concepts

The following basic terms are used in this Law:

1) terrorist act - direct commission of crimes of a terrorist nature in the form of taking hostages or arresting hostages, abduction of people, attempt on the life of state and public figures, representatives of national, religious, religious, racial groups, other population groups, representatives of states foreign, international organizations, usurpation, damage and destruction of state or public facilities, explosion, fire, shooting, use or threat of use of explosive equipment, radioactive, biological, explosive, chemical and other toxic materials, usurpation making, driving land, water and air vehicles, creating disorder and inciting it in crowded and public places, places of deprivation and restriction of freedom, places of public events, harming the life or health of the population, property of individuals and or legal by committing accidents, man-made tragedies, spreading threats by any means and methods, as well as other terrorist acts established by the legislation of the Republic of Tajikistan and international legal instruments recognized by Tajikistan;

2) anti-terrorist operations - a set of organized special operational-search, operational-combat, administrative-legal and other measures aimed at preventing terrorist acts, ensuring the safety of individuals and legal entities, neutralizing terrorists, and minimizing the consequences of terrorist acts ;

3) terrorist group - two or more natural persons united for the purpose of carrying out terrorist activities;

4) hostage - a natural person, who is detained with the purpose of forcing the state, international organizations, natural and legal persons or a group of persons to perform or refrain from performing this or that movement as a condition for release with the threat of killing or harming his health or kept;

5) resistance to terrorism - activity of state authorities, self-governing bodies of towns and villages and other bodies for the prevention of terrorism, including detection and further elimination of causes and conditions contributing to the commission of terrorist acts, detection, warning, prevention, termination, opening and to check the terrorist act, to minimize and (or) eliminate the consequences of the terrorist act;

6) fight against terrorism - the activities of the relevant authorities on detection, warning, prevention and termination of terrorist activities, as well as opening and investigating crimes of a terrorist nature;

7) anti-terrorist operations area - a separate part of the area, means of transport, building, building, structure, area around which anti-terrorist operations are carried out;

8) terrorism - the ideology of violence and influencing the decision-making of state authorities, self-governing bodies of towns and villages or international organizations, which is related to intimidation of the population or other forms of illegal violence;

9) international terrorism - terrorism, the acts of which are committed in the territory of more than one state, committed in one state, but their preparation, planning, leadership or control mainly took place in another state, committed in one state, but with the participation of a terrorist group or a terrorist organization, which carries out criminal activities in the territory of at least one state, committed in one state and had serious consequences in another state;

10) terrorist - a natural person who participates in the implementation of terrorist activities in any form and (or) aims to participate in terrorist activities;

11) terrorist organization - an organization that was established for the purpose of carrying out terrorist activities or recognizes the possibility of using terrorism in its activities. The organization is also considered terrorist if one of its structural units carries out terrorist activities with the notification of at least one of the governing bodies of this organization;

12) terrorist activity - activity aimed at committing one or more crimes of a terrorist nature and includes actions of organization, planning, preparation and execution of terrorist acts, inciting to commit terrorist acts, calling for violence for terrorist purposes, creation of illegal paramilitary groups or criminal organizations for the purpose of committing terrorist acts, as well as participating in them, recruiting, arming or using terrorists, as well as training them in terrorist skills, financing a terrorist organization or terrorists, providing assistance to organizations in any form, whose activity is recognized as terrorist according to the legislation of the Republic of Tajikistan, propaganda of terrorist ideas, dissemination of materials or information that calls for the implementation of terrorist activities or justify or justify the need for such activities, including using information and telecommunication networks of general use and the Internet, includes facilitating the preparation and execution of terrorist acts;

13) international terrorist activity - terrorist activity that is carried out by a terrorist or a terrorist organization in the territory of more than one state or harms the interests of more than one state, is committed by citizens of one state against citizens of another state or in the territory of another state is committed outside the territory of the states where both the terrorist and the victim of terrorism are citizens of these states;

14) crimes of a terrorist nature - crimes referred to in Articles 179, 179(1), 179(2), 179(3), 181, 182, 184, 184(1), 184(2), 184(3), 184(4), 185, 193, 194, 194(1), 194(2), 194(3), 194(4), 194(5), 310 and 402 of the Criminal Code of the Republic of Tajikistan.

## **Article 2. Legislation of the Republic of Tajikistan on countering terrorism**

The legislation of the Republic of Tajikistan on counter-terrorism is based on the Constitution of the Republic of Tajikistan and consists of this Law and other normative legal acts of the Republic of Tajikistan, as well as international legal acts recognized by Tajikistan.

## **Article 3. Basic principles of resistance to terrorism**

The fight against terrorism is based on the following principles:

- 1) provision and protection of human and citizen rights and freedoms;
- 2) legality;
- 3) priority of terrorism prevention measures;
- 4) protection of life, health and legal rights and interests of persons exposed to terrorist threat;
- 5) inevitability of punishment for terrorist acts and activities;
- 6) systematization and combined use of political, informational and promotional, socio-economic, legal, special and other measures to counter terrorism;

- 7) not allowing political concessions to terrorists;
- 8) monopolies in directing the forces and means involved in counter-terrorist operations;
- 9) non-disclosure of the participants, special tools and methods of anti-terrorist operations;
- 10) the combination of overt and covert methods of resistance to terrorism;
- 11) compliance of counter-terrorism measures with the nature and degree of terrorist threats;
- 12) minimize and (or) eliminate the consequences of terrorist actions and activities;
- 13) cooperation of the state with international organizations and other organizations, as well as with citizens in the fight against terrorism;
- 14) guarantee of protection of the rights of persons who assist and cooperate in the fight against terrorism.

## **CHAPTER 2. FUNDAMENTALS OF ORGANIZING THE RESISTANCE TO TERRORISM**

### **Article 4. Authority of state bodies in the direction of countering terrorism**

1. Authority of the President of the Republic of Tajikistan:
  - 1) determination of the main directions of state policy in the direction of resistance to terrorism;
  - 2) implementation of general leadership in the direction of resistance to terrorism;
  - 3) exercising other powers provided for by the legislation of the Republic of Tajikistan.
2. Authority of the Government of the Republic of Tajikistan:
  - 1) leading the implementation of state policy in the direction of countering terrorism;
  - 2) accepts or approves the concept, strategy, state program and plans in the direction of countering terrorism, monitors their implementation;
  - 3) taking measures to prevent terrorism, minimize or eliminate its consequences;
  - 4) organization of ensuring the activities of executive bodies of state power and self-governing bodies of towns and villages in the fight against terrorism with the necessary forces, means and resources;
  - 5) provision of funding for measures to implement state policy in the direction of countering terrorism;
  - 6) exercising other powers provided for by the legislation of the Republic of Tajikistan.
3. State authorities and self-governing bodies of towns and villages carry out resistance to terrorism within the scope of their powers.

### **Article 5. Cooperation with state authorities that fight terrorism**

1. State authorities, which resist terrorism, carry out the tasks assigned to them independently and in cooperation with other state authorities.
2. State authorities, self-governing bodies of towns and villages, officials, public, religious associations, other organizations and individuals should cooperate with state authorities that resist terrorism.
3. The forms of cooperation between state authorities fighting terrorism are determined by the legislation of the Republic of Tajikistan.
4. The cooperation of the state authorities fighting terrorism of the Republic of Tajikistan with the relevant bodies of the foreign state is carried out on the basis of the international agreements of the Republic of Tajikistan.

### **Article 6. Prevention of terrorist activities**

1. In order to prevent terrorist activities, the following actions are prohibited:

- 1) establishment and activity of organizations that promote racism, nationalism, hostility, social, religious and religious hatred or call for the overthrow of the constitutional structure by force and the formation of armed groups;
- 2) conducting activities related to propaganda of terrorism;
- 3) entry into the Republic of Tajikistan, exit or transit through the territory of the Republic of Tajikistan by persons involved in terrorist activities;
- 4) issuance of residence certificates to foreign citizens and stateless persons involved in terrorist activities;
- 5) admission to the citizenship of the Republic of Tajikistan of foreign citizens and stateless persons involved in terrorist activities;
- 6) directly or indirectly providing or collecting property (tools) with the purpose of using them in full or in part for the implementation of terrorist activities and (or) with the understanding that these properties (tools) are used for the implementation of terrorist activities ;
- 7) reception of luggage, hand luggage (except for the employees authorized for these purposes) of passengers by employees of automobile transport stations, railways and airports for storage;
- 8) holding meetings, gatherings, demonstrations, marches, pickets or other public events without complying with the requirements of the legislation of the Republic of Tajikistan;
- 9) other intentional actions that create favorable conditions for terrorist activity.

2. In order to prevent terrorist activities, the following actions are taken:

- 1) during social and political events and other public events, in order to protect public order, to attract additional forces and means of subjects directly resisting terrorism;
- 2) strengthening of protective and routine measures in state authorities and self-governing bodies of towns and villages, in organizations that pose a great threat to human life and health and the environment;
- 3) at the request of the competent authorities of foreign states, in accordance with the norms of international law and international treaties of Tajikistan, to hand over foreign citizens and stateless persons who participated in terrorist activities on the territory of these states;
- 4) collecting, analyzing and summarizing information on terrorist organizations and persons participating (participated) in terrorist activities and including them in the centralized interagency database of information on terrorism issues under the State Committee for National Security of the Republic of Tajikistan.

3. Prevention of terrorist activities may include the implementation of other measures provided for by the legislation of the Republic of Tajikistan and international legal documents recognized by Tajikistan.

## **Article 7. List of persons connected with terrorism**

1. The list of persons connected with terrorism is prepared by the State Committee of National Security of the Republic of Tajikistan.

2. The Supreme Court of the Republic of Tajikistan, based on the application of the Prosecutor General of the Republic of Tajikistan, recognizes the organization (its branch and (or) representative office) as a terrorist organization in accordance with the legislation. Individuals are found guilty of committing crimes of a terrorist nature by a court order in accordance with the procedure established by the legislation of the Republic of Tajikistan. Copies of the mentioned court documents for inclusion of individuals and organizations in the list of persons connected with terrorism are sent to the State Committee of National Security of the Republic of Tajikistan.

3. The State Committee for National Security of the Republic of Tajikistan also includes in the list of persons associated with terrorism individuals and organizations recognized as terrorists or

terrorist organizations in accordance with the resolution of the United Nations Security Council and (or) international legal instruments recognized by Tajikistan.

4. A copy of the list of persons related to terrorism by the State Committee of National Security of the Republic of Tajikistan with the necessary information about such persons shall be immediately sent to the subjects directly resisting terrorism and to the authorized body of resistance to the legalization (officialization) of proceeds obtained through crime, financing of terrorism and financing the distribution of weapons of mass destruction is sent for the implementation of measures to combat terrorism, the distribution of weapons of mass destruction and to take measures for the deactivation of money, securities or other property of these persons.

5. Exclusion from the list of persons associated with terrorism is carried out in accordance with the procedure established by the normative legal acts of the Republic of Tajikistan.

### **Article 8. Encouraging persons who contribute to the resistance to terrorism**

1. Persons who contribute to the detection, prevention and cessation of terrorist activities, the opening and investigation of crimes of a terrorist nature, the identification and arrest of real persons who prepare, commit or have committed such crimes, shall be awarded with monetary or financial rewards from the state budget funds. are done

2. Incentives are implemented in accordance with the procedure established by the Law of the Republic of Tajikistan "On operative-search activity".

## **CHAPTER 3. INFORMATION AND ADVERTISING RESISTANCE TO TERRORISM**

### **Article 9. The objectives of informational and propaganda resistance to terrorism and the obligation of state authorities in its implementation**

1. The informational and propaganda resistance to terrorism is carried out for the following purposes:

- 1) explanation of the threat of terrorism;
- 2) exposure of the forms, means and methods with the help of which terrorists propagate their ideas and opinions;
- 3) formation of anti-terrorist spirit in society;
- 4) unification of the efforts of state bodies that resist terrorism and civil society institutions in the prevention of terrorism;
- 5) limiting the social base of support for terrorism.

2. State bodies that resist terrorism are obliged to:

- 1) organize and coordinate counter-terrorism within the scope of their powers;
- 2) encourage the informational and promotional activities of mass media representatives, legal entities and religious associations in this direction;
- 3) participate in the formation of anti-terrorist spirit in the society.

### **Article 10. Obligations of mass media in the direction of countering terrorism**

1. Mass media are obliged to:

- 1) take into account the priority of people's right to life and security over the right to freedom of access to information and dissemination of information;
- 2) upon obtaining information on a terrorist act being prepared, immediately inform the relevant bodies directly combating terrorism;
- 3) in case of having relevant information or documents related to terrorist activities and acts, hand them over to the state authorities directly combating terrorism.

2. Heads of mass media are obliged to take measures so that the materials prepared in the organization under their leadership do not justify terrorist activities and other extremist activities dangerous to society, do not call for such activities, or do not incite them, as well as religious, religious, national hatred and enmity. and do not promote race.

#### **Article 11. Responsibility of mass media**

Leaders and employees of mass media, who deliberately do not fulfill their obligations in the direction of counter-terrorism, will be prosecuted in accordance with the legislation of the Republic of Tajikistan, and (or) the activity of such mass media may be terminated based on the relevant court document.

#### **Article 12. Preventing the use of communication networks for carrying out terrorist activities**

1. The use of electronic communication networks for carrying out terrorist activities is prohibited.

2. In the case of disclosure of information on information and telecommunication networks, including the Internet, which calls for public disturbances, the implementation of extremist and terrorist activities, participation in public gatherings by disrupting the procedure established by legislation, as well as promotes extremism and terrorism, access to such information is restricted.

### **CHAPTER 4. PROTECTION OF FACILITIES AGAINST TERRORIST THREAT**

#### **Article 13. System of state-wide measures to protect objects of terrorist threat**

1. To protect objects of terrorist threat (anti-terrorist protection of objects), a system of state-wide measures is implemented, the purpose of which is to increase the level of stability of these objects against terrorist acts and to strengthen the preparedness of state bodies and organizations in order to minimize and eliminate the consequences of acts of terrorism. is terrorist.

2. The system of state-wide measures for anti-terrorist protection of objects includes legal, organizational, engineering and technical, military, special, protective and other measures.

3. Depending on the characteristics of terrorist threats, the legal regime of anti-terrorist operations may be introduced in accordance with this Law.

#### **Article 14. Objects of terrorist threat**

Objects of terrorist threat include:

- 1) natural persons;
- 2) state objects;
- 3) territories of organizations that are potential sources of man-made accidents;
- 4) place of mass stay of people;
- 5) vital objects, including water, energy, communication and transport objects;
- 6) other objects whose names may be determined by the President of the Republic of Tajikistan.

#### **Article 15. Obligations of state authorities, self-governing bodies of towns and villages, officials, public and religious associations, other organizations and individuals in the protection of objects of terrorist threat**

1. State authorities, self-governing bodies of towns and villages and officials are obliged to develop and implement appropriate measures for the protection of terrorist threat objects.

2. Natural and legal persons, public, religious associations and other organizations are obliged to comply with the requirements of state authorities on the protection of terrorist threat objects.

#### **Article 16. Obligations of managers and owners of terrorist threat objects**

Leaders and owners of terrorist-threatened objects, regardless of the form of ownership, are obliged to plan and implement measures to fulfill the established requirements, norms and rules in the direction of anti-terrorist protection of the objects entrusted to them or belonging to them.

### **CHAPTER 5. SUBJECTS RESISTING TERRORISM**

#### **Article 17. Subjects resisting terrorism**

1. Countering terrorism is one of the priority tasks of the state and is implemented through the legislative, executive and judicial powers.

2. Subjects resisting terrorism are divided into subjects directly resisting terrorism and subjects participating in resisting terrorism.

#### **Article 18. Subjects directly resisting terrorism**

Subjects directly resisting terrorism are:

- 1) State Committee of National Security of the Republic of Tajikistan;
- 2) Ministry of Internal Affairs of the Republic of Tajikistan;
- 3) General Prosecutor's Office of the Republic of Tajikistan;
- 4) Ministry of Defense of the Republic of Tajikistan;
- 5) Agency of state financial control and fight against corruption of the Republic of Tajikistan;
- 6) Narcotics Control Agency under the President of the Republic of Tajikistan;
- 7) National Guard of the Republic of Tajikistan;
- 8) Committee of Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan.

#### **Article 19. Powers of subjects directly resisting terrorism**

1. The State Committee for National Security of the Republic of Tajikistan is the main entity directly fighting against terrorism, and it has the following powers:

- 1) detection, notification, prevention and termination of crimes of a terrorist nature;
- 2) detection, warning, prevention and termination of international terrorist activities;
- 3) ensuring the security of the organizations of the Republic of Tajikistan abroad, the employees of these organizations and their family members in accordance with the procedure established by the President of the Republic of Tajikistan;
- 4) ensuring the security of objects of state protection and protected persons;
- 5) detection, warning, prevention and termination of attempts to cross the State Border of the Republic of Tajikistan by terrorists;
- 6) prevention of cases of illegal transfer of weapons, ammunition, explosive, toxic, radioactive materials and other items that can be used for terrorist purposes through the State Border of the Republic of Tajikistan;
- 7) compiling a list of persons associated with terrorism;

8) to prepare and submit to the President of the Republic of Tajikistan, the Government of the Republic of Tajikistan draft normative legal acts in the direction of countering terrorism in accordance with the established procedure;

9) providing information to the President of the Republic of Tajikistan on the state of the fight against terrorism;

10) coordination of activities of subjects directly resisting terrorism;

11) collecting, analyzing and summarizing information on the state and trends of terrorism, including information from subjects directly resisting terrorism included in the centralized interagency database of information on terrorism issues;

12) to submit proposals on improving the legislation in the field of counter-terrorism in accordance with the established procedure;

13) implementation of other powers provided by the legislation of the Republic of Tajikistan.

2. The Ministry of Internal Affairs of the Republic of Tajikistan combats terrorism by detecting, warning, preventing and stopping crimes of a terrorist nature, collecting, analyzing and processing statistical data related to the direction of countering terrorism, registration and accounting of crimes of a terrorist nature and persons who have committed such crimes. implements.

3. The General Prosecutor's Office of the Republic of Tajikistan is responsible for combating terrorism by monitoring the implementation of laws in the direction of combating terrorism, detection, warning, prevention and investigation of crimes of a terrorist nature, supporting state prosecution in courts, submitting applications to the court to recognize parties and movements as terrorists and organizations, implements international cooperation in this direction and takes other measures within the scope of its powers.

4. The Ministry of Defense of the Republic of Tajikistan ensures anti-terrorist security of the air space of the Republic of Tajikistan and, in necessary cases, provides assistance to the national security authorities of the Republic of Tajikistan for the preparation and implementation of anti-terrorist operations.

5. The Agency of State Financial Control and Combating Corruption of the Republic of Tajikistan resists terrorism within the scope of the powers established by the legislation of the Republic of Tajikistan.

6. The Narcotics Control Agency under the President of the Republic of Tajikistan fights terrorism within the scope of the powers established by the legislation of the Republic of Tajikistan.

7. The National Guard of the Republic of Tajikistan implements resistance to terrorism by participating in anti-terrorist security of state protection objects and protection of protected persons, as well as participating in the preparation and conducting of anti-terrorist operations.

8. The Committee of Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan, together with the national security authorities of the Republic of Tajikistan and other entities resisting terrorism, ensures anti-terrorist security of the place of completion and accident and restoration works when eliminating the consequences of emergency situations.

## **Article 20. Entities participating in the fight against terrorism**

1. Subjects participating in the fight against terrorism are the Ministry of Justice of the Republic of Tajikistan, the Ministry of Foreign Affairs of the Republic of Tajikistan, the Customs Service under the Government of the Republic of Tajikistan, the Communications Service under the Government of the Republic of Tajikistan, the National Bank of Tajikistan and other executive authorities, whose names are determined by the Government of the Republic of Tajikistan. it seems

2. Participation in the fight against terrorism is carried out in the following ways:

1) The Ministry of Justice of the Republic of Tajikistan through the control of the statutory activity of public associations and political parties, which are registered according to the established procedure;

2) The Ministry of Foreign Affairs of the Republic of Tajikistan through negotiations with foreign states during the detection, warning, prevention and termination of international terrorist activities and other forms determined by the legislation of the Republic of Tajikistan;

3) Customs service under the Government of the Republic of Tajikistan by preventing cases of illegal transfer of weapons, ammunition, explosive, toxic, radioactive materials and other items that can be used for terrorist purposes across the customs border, as well as assisting the national security authorities of the Republic of Tajikistan in resistance to international terrorist activities;

4) Communication service under the Government of the Republic of Tajikistan by preventing the use of communication tools, including electronic communication, for terrorist purposes;

5) The National Bank of Tajikistan by taking measures to combat the financing of terrorism in accordance with the Law of the Republic of Tajikistan "On resistance to the legalization (officialization) of proceeds of crime, financing of terrorism and financing of the distribution of weapons of mass destruction."

3. The courts of the Republic of Tajikistan participate in the fight against terrorism under the conditions and procedures provided for by the legislation of the Republic of Tajikistan and international legal instruments recognized by Tajikistan.

## **CHAPTER 6. CONDUCT OF COUNTER-TERRORIST OPERATIONS**

### **Article 21. Conditions for carrying out anti-terrorist operations**

1. Anti-terrorist operations are carried out to stop and minimize the consequences of terrorist actions, if it is impossible to prevent them by force and other methods.

2. The decision to carry out and/or terminate anti-terrorist operations is made by the chairman of the State Committee of National Security of the Republic of Tajikistan or his substitute.

3. If a large number of forces and means are required to carry out anti-terrorist operations, and it covers a territory where a large number of people live, the chairman of the State Committee for National Security of the Republic of Tajikistan or a person replacing him on the introduction of the legal regime of anti-terrorist operations in the territory the operation is carried out, informs the President of the Republic of Tajikistan and, if necessary, other officials.

### **Article 22. Leadership of anti-terrorist operations**

1. In order to manage anti-terrorist operations, the chairman of the State Committee for National Security of the Republic of Tajikistan or his substitute, in agreement with the President of the Republic of Tajikistan, establishes and directs the operational headquarters.

2. Head of the operational staff:

1) determines the structure and work procedure of the operational staff, as well as the duties of the officials included in the staff;

2) determines the forces and means necessary for carrying out anti-terrorist operations, and decides on the involvement of other persons in the work of the headquarters;

3) gives orders to the operational staff about preparatory work for carrying out anti-terrorist operations;

4) in accordance with the procedure established by normative legal acts, the forces and means at the disposal of the central executive bodies of the state power in the field of defense, internal affairs, justice, foreign affairs, civil defense for the purpose of protecting the population and the territory from emergency situations, ensuring better protection from fire and safety of people in attracts water objects to carry out anti-terrorist operations and minimize the consequences of terrorist actions;

5) determines the representative of the operative staff, who is responsible for communication with mass media and society;

6) establishes the working apparatus of the headquarters during the period of anti-terrorist operations, defines its tasks and appoints its head;

7) determines the territory (object) within which the legal regime of anti-terrorist operations is introduced and establishes a set of measures and temporary restrictions provided for in part 3 of article 25 of this Law;

8) decides and gives orders to carry out anti-terrorist operations;

9) perform other powers provided by the legislation of the Republic of Tajikistan.

### **Article 23. Powers of the operational headquarters**

The operational staff has the following powers:

1) collects information about the situation, evaluates, analyzes and summarizes the obtained information in order to determine the nature and scope of the prepared or committed terrorist act;

2) makes suggestions on conducting anti-terrorist operations;

3) prepares a plan for carrying out anti-terrorist operations and submits it to the chief of staff for approval, ensures and monitors its implementation;

4) prepares orders and other documents that determine the procedure for preparing and conducting anti-terrorist operations, the legal regime of anti-terrorist operations;

5) organizes the coordination of anti-terrorist forces and means involved in carrying out anti-terrorist operations;

6) gives permission for negotiations with terrorists, approves the tactics and methods of conducting them, as well as determines the persons responsible for negotiations with terrorists;

7) determines the procedure for providing mass media with information about terrorist acts, the course and results of anti-terrorist operations;

8) takes other measures provided for by the legislation of the Republic of Tajikistan to minimize and eliminate the consequences of terrorist acts.

### **Article 24. Forces and means involved in anti-terrorist operations**

1. The terrorist act is stopped by the forces and means of the national security authorities of the Republic of Tajikistan, as well as the forces and means of the organized groups.

2. To carry out anti-terrorist operations by the decision of the head of the operational staff as part of the units and military units of the Armed Forces of the Republic of Tajikistan, the Ministry of Defense of the Republic of Tajikistan, the Ministry of Internal Affairs of the Republic of Tajikistan, the Ministry of Justice of the Republic of Tajikistan, the State Committee for National Security of the Republic of Tajikistan, the Committee for Emergency Situations and civil defense groups are organized under the Government of the Republic of Tajikistan and other competent authorities.

3. The unified management of the force and means mentioned in part 2 of this article is carried out by the head of the operational staff. All military personnel, employees and specialists involved in counter-terrorist operations shall obey the head of the operational staff until the completion of the counter-terrorist operation.

4. The units and bodies of the authorities mentioned in part 2 of this article, which participate in anti-terrorist operations, use military equipment, weapons and special tools in accordance with the provisions of the legislation of the Republic of Tajikistan.

5. In accordance with the international treaties of the Republic of Tajikistan, specialized units of foreign countries are involved in the fight against terrorism when necessary to prevent terrorist acts.

### **Article 25. Legal regime of anti-terrorist operations**

1. In order to stop and prevent a terrorist act, minimize its consequences and protect the vital interests of a person, society and the state by the decision of an official, which was adopted in accordance with part 2 of Article 21 of this Law on conducting anti-terrorist operations, within the limits during its implementation, the legal regime of anti-terrorist operations will be introduced.

2. The decision to introduce the legal regime of anti-terrorist operations in the area of conducting anti-terrorist operations, in which the territory (list of objects), the list of applicable measures and temporary restrictions are defined, and the decision to cancel the legal regime of anti-terrorist operations should be published or announced without delay. be done

3. In the area of anti-terrorist operations, within which the legal regime of anti-terrorist operations has been introduced, the following temporary measures and restrictions are allowed to be implemented in accordance with the procedure provided by the legislation of the Republic of Tajikistan during the period of anti-terrorist operations:

1) temporarily restricting or prohibiting the movement of vehicles and pedestrians on streets and roads, not allowing vehicles, including vehicles of diplomatic representatives and consular institutions, as well as citizens in certain areas and objects, or removing citizens from certain areas and objects, as well as transportation of vehicles;

2) checking the documents of natural persons confirming their identity and, in the absence of such documents, arresting such persons to determine their identity;

3) arresting persons who have committed or are committing offenses or other actions that hinder the legal requirements of persons conducting anti-terrorist operations, as well as actions related to entering or attempting to enter the area of anti-terrorist operations without permission;

4) unhindered entry (entry) of persons conducting anti-terrorist operations into residential buildings and other buildings of citizens, into the territory and buildings of organizations, regardless of the form of ownership, into vehicles during the cessation of terrorist activities, if the delay affects the life and health of people pose a real risk;

5) personal inspection of citizens when passing, including by vehicle, to the area of anti-terrorist operations and when leaving it, inspection of vehicles and their cargo, including using technical means;

6) use of means of communication, including special means of communication of citizens and organizations, regardless of their form of ownership, for official purposes;

7) use of vehicles of organizations, regardless of the form of ownership, with the exception of vehicles of diplomatic missions, consular missions and other missions of foreign states and foreign organizations, and in emergency situations, vehicles of citizens to prevent terrorist acts, persecution and capture of individuals who committed a terrorist act or to take individuals who need emergency medical assistance to a medical institution, as well as to go to the scene of the incident for business purposes;

8) strengthening the protection of public order, objects under state protection and objects that support the life and activity of the population and traffic, as well as objects that have special material, historical, scientific, artistic or cultural value;

9) in accordance with the procedure established by the normative legal acts, control of telephone conversations and other information broadcast on the networks of the telecommunication system, as well as conducting search operations on these networks and postal correspondence in order to reveal information about cases of terrorist acts, about real persons. its producer and exporter and in order to prevent other terrorist acts;

10) temporary suspension of activities of dangerous production and organizations in which explosive, radioactive materials, dangerous chemical and biological substances are produced or used, as well as production and sale of other materials that can be used in terrorist activities;

11) suspension of communication services to individuals and legal entities or restriction of the use of networks and means of communication;

12) temporary resettlement of individuals residing within the legal regime of anti-terrorist operations to safe areas, with their mandatory provision of temporary residence;

13) introduction of quarantine, implementation of sanitary and anti-epidemiological, veterinary and other sanitary measures;

14) restrict or prohibit the sale of weapons, ammunition, explosives, special tools and poisonous substances;

15) other measures provided by the legislation of the Republic of Tajikistan.

4. In the area of anti-terrorist operations, the activity of mass media personnel is regulated by the head of the operational staff or a person appointed by him.

5. In the area of anti-terrorist operations, failure to fulfill the orders or legal requirements of the head of the operational staff, or preventing the implementation of anti-terrorist operations, as well as entering or attempting to enter the area of anti-terrorist operations without permission, shall result in liability provided for by the legislation of the Republic of Tajikistan.

## **Article 26. Negotiations with terrorists**

1. During anti-terrorist operations for the purpose of protecting people's lives and health, material goods, as well as studying the possibilities of stopping terrorist activities without the use of force, it is allowed to negotiate with terrorists. Only persons determined by the operative headquarters are allowed to negotiate with terrorists.

2. During negotiations with terrorists, the issue of handing over to the terrorists one or another individual, giving weapons and other tools and equipment, the use of which can pose a danger to people's lives and health, as well as the issue of fulfilling the political demands of terrorists should not be considered as a condition for the cessation of terrorist activities. to be considered by them.

3. Negotiations with terrorists cannot be the basis or condition for their release from criminal responsibility for their actions.

## **Article 27. Informing the public about the terrorist act and the situation in the area of anti-terrorist operations**

1. When conducting anti-terrorist operations, the public is informed about the terrorist act in the form and scope determined by the operational headquarters, by the representative of the operational headquarters, who is responsible for communication with mass media and society.

2. Dissemination of information is prohibited if:

1) disclose the special technical methods of conducting anti-terrorist operations;

2) complicate the conduct of anti-terrorist operations and endanger the lives and health of people who are in the area of anti-terrorist operations or outside of that area;

3) about persons who are involved in anti-terrorist operations or cooperate in carrying out such operations.

## **Article 28. Completion of anti-terrorist operations**

1. An anti-terrorist operation is considered completed if the terrorist operation has stopped or the threat to life, health, property or other legal interests of people in the area of the anti-terrorist operation has disappeared.

2. The chairman of the State Committee for National Security of the Republic of Tajikistan or his substitute makes the decision to carry out anti-terrorist operations and reports on the results to the President of the Republic of Tajikistan.

## **Article 29. Procedure for burial of the bodies of terrorists neutralized during anti-terrorist operations**

The bodies of terrorists neutralized during anti-terrorist operations will be buried according to the procedure established by the Government of the Republic of Tajikistan.

## **CHAPTER 7. RESISTANCE TO THE FINANCING OF TERRORIST ACTIVITIES**

### **Article 30. Taking measures when obtaining information on the financing of terrorist activities**

Entities directly combating terrorism or entities that are involved in this activity and have the right to carry out operational-search activities, when obtaining information that specific individuals or legal entities are related to the financing of terrorist activities, are obliged to use all measures. openly and secretly take urgent measures provided by the legislation of the Republic of Tajikistan to verify the entered information.

### **Article 31. Inactivation of money, securities or other property of persons connected with terrorism**

1. Money, securities or other property of individuals and organizations included in the list of persons associated with terrorism, by organizations that deal with money, securities or other property, as well as individuals and Organizations that conduct transactions are deactivated in accordance with the procedure established by the regulatory legal acts of the Republic of Tajikistan.

2. Confiscation of money, securities or other property of individuals and organizations related to terrorism is carried out in accordance with the legislation of the Republic of Tajikistan and international legal documents recognized by Tajikistan.

3. Individuals and organizations have the right to appeal the decisions on the deactivation of their money, securities or other property in a court procedure, as well as individuals from the deactivated money, securities or other property until their confiscation, on apply for the payment of medical and social services and financial support of their family members.

4. Cancellation of deactivation of money, securities or other property of individuals and organizations included in the list of persons associated with terrorism is carried out in accordance with the procedure established by the normative legal acts of the Republic of Tajikistan.

5. The procedure for carrying out measures to prohibit and cancel the deactivation of money, securities or other property of individuals and organizations included in the list of persons associated with terrorism shall be determined by the Government of the Republic of Tajikistan.

### **Article 32. Confiscation of property of individuals and legal entities, which were used for terrorist purposes or obtained as a result of terrorist activities**

Property used for terrorist purposes or obtained as a result of terrorist activities shall be confiscated in accordance with the requirements of the Criminal Code of the Republic of Tajikistan.

## **CHAPTER 8. LEGAL AND SOCIAL PROTECTION OF PERSONS PARTICIPATING IN RESISTING TERRORISM**

### **Article 33. Real persons participating in the fight against terrorism, who are subject to legal and social protection**

1. The following natural persons are subject to legal and social protection:

1) military servicemen, employees and specialists of executive authorities who are (have) directly participated in anti-terrorist operations;

2) natural persons who provide permanent or temporary assistance to entities fighting terrorism in detection, warning, prevention, termination of terrorist activity and minimizing its consequences, as well as in opening and investigating criminal cases related to terrorist activity;

3) natural persons who provided information about terrorist activities and other situations and their information contributed to the detection, warning, prevention and termination of terrorist activities;

4) family members of the persons listed in this article, if the need to ensure their protection was caused by the participation of the listed persons in the fight against terrorism.

2. Measures of state protection and security, as well as social support of individuals who participated and cooperated in the fight against terrorism, are implemented in accordance with the Law of the Republic of Tajikistan "On State Protection of Participants in Criminal Court Proceedings".

#### **Article 34. Compensation for damages caused to victims as a result of terrorist acts**

1. Compensation for damage caused to individuals and legal entities as a result of a terrorist act, paid in accordance with the procedure established by the Government of the Republic of Tajikistan at the expense of the state budget, in accordance with the procedure of a mutual claim (regression) in accordance with the provisions of the legislation of the Republic of Tajikistan, in favor of the person who caused damage the state is charged.

2. Damage caused to the health and property of a real person participating in a terrorist act or caused by his death as a result of legal action during the prevention of a terrorist act shall not be compensated.

#### **Article 35. Social rehabilitation of individuals who have suffered as a result of terrorist acts**

1. Social rehabilitation of natural persons who have suffered as a result of terrorist acts, as well as natural persons mentioned in Article 33 of this Law, is carried out at the expense of state budget funds in order to return them to a normal life, and it includes legal, psychological and medical assistance. , including vocational rehabilitation, re-employment and housing where necessary.

2. The procedure for social rehabilitation of natural persons affected by terrorist acts shall be determined by the Government of the Republic of Tajikistan.

3. For individuals listed in Article 33 of this Law, the legislation of the Republic of Tajikistan may provide for other rehabilitation measures in addition to social rehabilitation.

#### **Article 36. Preferential accounting of seniority**

1. For military servicemen, employees and specialists of the relevant state bodies, who serve (have served) in the units of subjects directly resisting (fighting) terrorism, for the length of service to provide a pension - one day of service as two days and when participating in conducting anti-terrorist operations - one day of service is counted as three days (unless these periods are calculated for them in greater sizes according to the legislation).

2. Periods of direct participation of military personnel, employees and specialists of relevant state bodies in anti-terrorist operations for the preferential accounting of service experience (work experience) and for the appointment of pensions are established in accordance with the procedure determined by the Government of the Republic of Tajikistan.

### **CHAPTER 9. CHARACTERISTICS OF RESPONSIBILITY FOR PARTICIPATION IN TERRORIST ACT AND ACTIVITY**

#### **Article 37. Liability of individuals for participation in terrorist acts and activities**

Individuals who participate in terrorist acts and activities in any form shall be prosecuted according to the provisions of the legislation of the Republic of Tajikistan.

#### **Article 38. Liability of organizations for terrorist activity**

1. It is prohibited to establish and implement the activity of an organization whose purpose or actions are aimed at promoting, justifying and supporting terrorism or committing a crime of a terrorist nature.

2. The organization shall be considered terrorist and prohibited from operating by a court decision based on the application of the Prosecutor General of the Republic of Tajikistan, if the organization, preparation and commission of a crime of a terrorist nature is carried out in the name and for the benefit of the organization, as well as if this action is carried out by a person committing an act that the organization is under his control. The corresponding decision of the court on banning the activities of the organization is also extended to local and other structures.

3. In order to recognize a foreign or international organization (its department, branch, representative office) as a terrorist by the court, existing materials or materials submitted by the relevant state under an international agreement or on a reciprocal basis, which confirm the organization's connection to terrorist activities, can be the basis.

4. In the event that a foreign or international organization (its department, branch, representative office) is recognized as a terrorist, the activity of this organization in the territory of the country will be prohibited and it will be liquidated, the property belonging to this organization or directly or indirectly under its control will be confiscated. Also, the property that was used to provide assistance to this foreign or international organization in terrorist activity is confiscated according to the legislation of the Republic of Tajikistan.

### **Article 39. Responsibility for financing terrorist activities**

1. Individuals who are guilty of financing terrorist activities shall be prosecuted according to the criminal legislation of the Republic of Tajikistan.

2. The activities of organizations that finance terrorist activities are prohibited by court decision, and their property is confiscated for the benefit of the state. Managers and employees of banned legal entities, who directly participated in the financing of terrorist activities, shall be prosecuted in accordance with part 1 of this article.

3. The procedure for regulating the relations of citizens, foreign citizens, stateless persons and organizations on conducting operations with monetary funds, securities and other property, as well as state bodies, within the territory of conducting operations with monetary funds, securities or other property for the purpose of countering the financing of terrorist activities is determined by the legislation of the Republic of Tajikistan.

## **CHAPTER 10. INTERNATIONAL COOPERATION IN COUNTERING TERRORISM**

### **Article 40. The purpose of international cooperation in the direction of countering terrorism**

The purpose of international cooperation in countering terrorism is:

- 1) protection of a person, society, state and international community from terrorist threats;
- 2) strengthening international anti-terrorist cooperation;
- 3) development of agreed ways of countering terrorism, including the prevention of terrorist activities;
- 4) detection and elimination of the causes of the spread of terrorist threats, as well as conditions that contribute to the implementation of terrorist activities;
- 5) detection, warning, prevention and cessation of terrorist activity against one or more states and minimizing the consequences of the committed terrorist act;
- 6) ensuring the inevitability of liability of natural and legal persons for participation in terrorist activities;
- 7) preventing the implementation of double standards in the fight against terrorism;
- 8) improvement of the legal basis of cooperation in the fight against terrorism, development and adaptation of the legislation of the Republic of Tajikistan to the norms and principles of international law;

9) increasing the efficiency of cooperation of state authorities on detection, notification, prevention, stopping and investigation of crimes of a terrorist nature, detection and stopping of activities of organizations and individuals related to terrorist activities, as well as resistance to terrorist financing.

#### **Article 41. Forms of international cooperation in the direction of countering terrorism**

The main forms of international cooperation in countering terrorism are:

- 1) exchange of information;
- 2) creation of a special database;
- 3) cooperation in detecting, prohibiting or confiscating the funds used or intended for committing crimes of a terrorist nature, as well as confiscation of property obtained as a result of committing such crimes;
- 4) extradition of foreign citizens and stateless persons who have committed crimes of a terrorist nature or are reasonably suspected of committing such crimes;
- 5) organization of search, arrest and prosecution of natural persons who are wanted internationally for committing crimes of a terrorist nature and participating in terrorist activities;
- 6) providing mutual legal, operational, methodological, technical, military and other assistance;
- 7) implementation of joint and (or) coordinated operational actions, investigative actions, anti-terrorist exercises and other measures;
- 8) execution of requests for operational, investigative and other activities;
- 9) training of personnel, exchange of work experience and conducting joint scientific research in the direction of countering terrorism;
- 10) cooperation in the military sphere in order to prevent terrorism;
- 11) participation in the development of international legal documents in the direction of countering terrorism;
- 12) joint activity to eliminate and eliminate the causes and conditions that contributed to the commission of terrorist acts;
- 13) development of an agreed policy and cooperation in providing information and propaganda against terrorism.

#### **Article 42. International cooperation in the issue of extradition of individuals who have committed or are suspected of committing terrorist crimes**

1. The Prosecutor General's Office of the Republic of Tajikistan, in order to fulfill international obligations in accordance with international agreements in the field of combating terrorism and in accordance with the procedure provided by the legislation of the Republic of Tajikistan, requests foreign countries to hand over foreign citizens and stateless persons who have committed crimes of a terrorist nature or committed such crimes are reasonably suspected.

2. In case of refusal to hand over to a foreign state foreign citizens or stateless persons who have committed crimes of a terrorist nature or are reasonably suspected of committing such crimes, due to the reason for granting political asylum to these persons or the existence of sufficient grounds for their prosecution. in a foreign country, due to political, racial, religious or religious motivations, such persons shall be held criminally liable on the basis and in the manner provided by the criminal legislation of the Republic of Tajikistan.

### **CHAPTER 11. CONTROL OF IMPLEMENTATION OF ACTIVITIES REGARDING RESISTANCE TO TERRORISM**

### **Article 43. Control of the implementation of activities related to counter-terrorism**

The President of the Republic of Tajikistan, the Government of the Republic of Tajikistan and other relevant state bodies within their jurisdiction shall supervise the implementation of activities related to counter-terrorism.

## **CHAPTER 12. FINAL PROVISIONS**

### **Article 44. Liability for non-compliance with the requirements of this Law**

Individuals and legal entities are prosecuted for non-compliance with the requirements of this Law in accordance with the procedure established by the legislation of the Republic of Tajikistan.

### **Article 45. Repeal of the Law of the Republic of Tajikistan "On Combating Terrorism"**

Law of the Republic of Tajikistan "On Combating Terrorism" dated November 16, 1999 (News of the Supreme Assembly of the Republic of Tajikistan, p. 1999, No. 11, art. 275; p. 2005, No. 3, art. 116; p. 2007, no. 5, art. 802, 2013, art. 647 Art. 648, 2015, Art. 1112, shall be repealed.

### **Article 46. Procedure for implementation of this Law**

This law shall be implemented after its official publication.

**President**

**Republic of Tajikistan Emomali Rahmon**

**sh. Dushanbe,**

**from December 23, 2021, No. 1808**

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